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SEP 14 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re:)
)
Amendment of 47 C.F.R. §73.606(b),) MM Docket No. _____
Television Table of Allotments) RM- _____
(Big Bear Lake, California and)
Yucaipa, California))

To: Chief, Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

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September 14, 1992

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Table of Contents

	<u>Page</u>
Summary.....	ii
I. Factual and Procedural Background.....	2
II. The Commission Should Reallocate Channel 59 from Big Bear Lake, California to Yucaipa, California.....	7
A. The Commission's Rules and Policies.....	8
B. KBBL, Inc.'s Proposal.....	9
C. Petitioner's Proposal is Consistent With Commission Action in Similar Instances...	13
III. Conclusion.....	16

Summary

Petitioner KBBL, Inc., permittee of UHF Channel 59 in Big Bear Lake, California, submits this Petition for Rule Making to reallocate Channel 59 from Big Bear Lake to Yucaipa, California. Petitioner proposes reallocation due to the inability to construct its station as currently authorized, given insurmountable administrative, political and geographical obstacles. Simply unable to serve its designated community of license with a full service local facility, Petitioner proposes to change its community of license and the location of its transmitter site, but to still serve Big Bear lake with a low power facility, which the Commission has already noted as possible.

Reallotment of Channel 59 from Big Bear Lake to Yucaipa would be in compliance with all applicable FCC rules and policies, and consistent with treatment afforded other petitioners in similar proceedings.

Finally, the years of hardship Petitioner has endured at the Commission in trying to provide Big Bear Lake with a new full service station, and the Commission's refusal to grant necessary waivers to allow service through alternative means, provide public interest reasons in favor of a grant of Petitioner's proposal and reallocation of Channel 59 from Big Bear Lake to Yucaipa, California. Petitioner will apply to amend its construction permit for Channel 59 to specify facilities providing the required service to Yucaipa if allotted.

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To: Chief, Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

KBBL, Inc. ("Petitioner"), by counsel and pursuant to Section 1.401 of the Commission's rules, hereby submits its Petition for Rule Making to reallocate Channel 59 (UHF Station KBBL) from Big Bear lake, California to Yucaipa, California, and thus that Section 73.606(b) of the Commission's rules, the Television Table of Allotments, be amended as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Big Bear Lake, California	59+	None
Yucaipa, California	None	59+

Furthermore, Petitioner respectfully requests that the construction permit for Station KBBL be modified to specify Yucaipa, California, as its community of license. Petitioner will apply to amend its construction permit for Channel 59 to specify

facilities providing the required service to Yucaipa, if allotted. In support thereof, the following is respectfully shown.

I. Factual and Procedural Background.

Petitioner holds an FCC construction permit to build and operate a new television station (KBBL) on Channel 59, Big Bear Lake, California. The community of license, Big Bear lake, lies within a deep, narrow valley that is surrounded by mountains rising between 2,000 and 4,000 feet above the valley floor. The valley is encompassed by the San Bernardino National Forest, which lies within the jurisdiction of the U.S. Forest Service.

In 1984, the Television Table of Assignments was amended by the Commission to specify Channel 59 as the first television channel allocated to Big Bear Lake. Amendment of the Table of Assignments (Big Bear Lake, California), MM Docket No. 83-835, Mimeo No. 3543 (MMB, released April 16, 1984). See also 47 C.F.R. §73.606(b).

The first permittee for KBBL, Felice-Tec, tendered to the Commission an application in which it represented that an antenna site compliant with all FCC rules was available for high power operation of the Channel 59 facility with an antenna located on U.S. Forest Service land. The FCC accepted that representation and issued a construction permit for construction at the specified U.S. Forest Service location. Felice-Tec assigned the permit to Inland

Empire Broadcasting Corporation ("Inland"). Inland then assigned the construction permit to PZ Entertainment Partnership, L.P. ("PZ"), the predecessor in interest to Petitioner KBBL, Inc.^{1/} See PZ Entertainment Partnership, L.P., (Memorandum Opinion and Order) ("MO&O"), 6 FCC Rcd. 1240, para. 2 (1991). At the time Petitioner's predecessor in interest acquired the permit, the permit continued to authorize construction on the Forest Service site that the initial permittee had represented to be available.

PZ attempted to obtain Forest Service approval for construction at the site specified in the FCC construction permit, but eventually concluded that construction as authorized was not possible because the U.S. Forest Service would not approve use of the antenna site. After an exhaustive study PZ also concluded that, because of the irregular terrain surrounding Big Bear Lake, there was no site available from which line-of-sight service could be provided to Big Bear Lake and from which service could be provided to the large service area containing over a million people outside of the Big Bear Valley, as was authorized in the KBBL construction permit.

As a result, PZ -- after reviewing the problem and its proposed solution with the Commission staff -- filed an application for an on-channel television booster at Bertha Peak, west of Big Bear Lake in the Big Bear Valley which would have provided a city-

^{1/} PZ and the previous permittees are unrelated.

grade signal to Big Bear Lake and line-of-sight city grade coverage to the entire valley floor. PZ also filed a modification application in which it sought to change KBBL's main transmitter site to Reynolds Ridge, and requested a waiver of Section 73.685(b) of the Commission's rules concerning transmitter location and principal community coverage. MO&O, at para. 3. From this transmitter site a signal would have been provided to over one million people outside Big Bear Valley as authorized in the original KBBL construction permit.

An informal objection filed on February 10, 1989 by Gulf-California Broadcast Co., Inc. ("Gulf"), the licensee of network affiliated station KESQ-TV in Palm Springs, California, resulted a round of briefing and a Commission request for additional information from PZ in support of its waiver request. PZ submitted a comprehensive response to the Commission's request on March 1, 1990 which included two engineering surveys and an economic feasibility study.^{2/}

Additionally, PZ attached a letter from the U.S. Forest Service reiterating that the only site from which broadcast transmissions could be conducted within the Big Bear Ranger District of the San Bernardino National Forest was Bertha Peak.

^{2/} The response submitted on March 1, 1990 is comprehensive and details the particular problems which the permittee has faced. Given the in-depth analysis that response provides, it is hereby incorporated by reference.

The letter also states that transmissions from Bertha Peak are limited to a maximum of 1,000 watts effective radiated power and a maximum height of 40 feet.

In its MO&O, the Commission rejected this approach because, it said, whether providing local service to Big Bear Lake is economically viable (which PZ submitted was not), is of no concern to the Commission, and if the station is not viable Big Bear Lake may possibly be served in the future by a low power television facility.^{3/}

On March 29, 1992, PZ petitioned the Commission for reconsideration of its MO&O, pointing out that it had proposed an innovative solution to an anomalous situation. Big Bear Lake, California is the community of license for KBBL. However, the valley floor on which Big Bear Lake is located is a "hole" in the wide area coverage of KBBL. Because wide area coverage in the fast-growing San Bernardino area and line-of-sight coverage to the Big Bear Lake white area cannot be accomplished from any single transmitter site, PZ proposed to "fill the hole" with a booster. PZ's proposal would allow off-the-air reception service for several million residents of the San Bernardino area and off-the-air city grade service to the entire community of license and the valley

^{3/} The Commission's suggestion of using a low power television station seems contradictory, on its face, to 47 U.S.C. 307(b) service requirements since low power stations have no local service requirements.

white area.

PZ also argued that the Commission's decision deprives the public of a necessary, yet available, service and results in an inefficient, unfair and inequitable distribution of available broadcast spectrum. PZ argued that the Commission could not ignore the public interest benefits that flow from PZ's proposal, and that the Commission's view that Section 307(b) of the Communications Act, 47 U.S.C. 307(b), forecloses use of a booster to provide city grade service to Big Bear Lake is unwarranted.

On April 30, 1992, the Commission denied PZ's petition for reconsideration by Memorandum Opinion and Order, 7 FCC Rcd. 2696 (1992), holding that "a secondary source like an on-channel booster should not be deemed in compliance with Section 307(b) of the Communications Act, which provides that the Commission shall provide a fair, efficient and equitable distribution of radio service." See id., at para. 4. The Commission further held that "PZ ... failed to demonstrate that there are no sites from which it could provide television service to Big Bear Lake in compliance with [its] rules or, at least, with a less extreme departure from them." Id. The Commission expressed the opinion that the community of Big Bear Lake might benefit from a low power television station, and rejected PZ's claim that such an operation would not be profitable by stating that the Commission cannot be the guarantor of financial success. Id. Finally, the Commission

claimed that PZ was aware of the site problem at the time it acquired the permit. Id.

On May 28, 1992, Petitioner filed a notice of appeal with the Court of Appeals for the District of Columbia Circuit, seeking review of the Commission's denial of the application and denial of reconsideration of that order.

At the parties' suggestion, on July 14, 1992 the Court of Appeals ordered that Petitioner's appeal be held in abeyance pending the filing and disposition by the Commission of a petition for rule making to allocate Channel 59 to a different community. The instant petition is submitted in accordance therewith.

II. The Commission Should Reallocate Channel 59 from Big Bear Lake, California to Yucaipa, California.

Petitioner seeks reallocation due to the onerous and insurmountable obstacles which have precluded it from constructing a full power station at Big Bear Lake. There are manifest public interest reasons why the amendment of the television table of allotments and consequent modification of KBBL's construction permit are in the public interest and would be consistent with the Commission's mandate under 47 U.S.C. §307(b) to provide for a fair, efficient and equitable distribution of radio facilities to the States and communities. Reallocation of Channel 59 is consistent with the Commission's rules and policies in this regard.

A. The Commission's Rules and Policies.

The Commission's rules provide that television permittees and licensees can petition for a rule making to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment, the allotment to the new community would serve the Commission's allotment priorities and policies better than the allotment in the original community, and the change would not have the effect of depriving a community of an existing service representing its sole local transmission outlet. See 47 C.F.R. Section 1.420(i); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, (Report and Order), 4 FCC Rcd. 4870, 66 RR 2d 877 (1989), pet. for recon. granted in part, 5 FCC Rcd. 7094, 68 RR 2d 644 (1990) (hereinafter 1989 Order and 1990 Order, respectively).

The television allotment priorities are (1) to provide at least one television service to all parts of the United States, (2) to provide each community with at least one television broadcast station, (3) to provide a choice of at least two television services to all parts of the United States, (4) to provide each community with at least two television broadcast stations, and (5) to assign any remaining channels to communities based on population, geographic location, and the number of

television services available to the community from stations located in other communities. See Amendment of Section 3.606 of the Commission's Rules and Regulations, etc., Sixth Report and Order, 41 FCC 148, 167 (1952).

The Commission's 1990 Order clarified the 1989 Order, and elaborated on the prohibition on the removal of a sole existing local transmission service. See 1990 Order, 68 RR 2d at 649.^{4/} "Existing service," for the purposes of that rule making, is defined as existing service of an operating station. Id., at 650. The 1990 Order also states that Section 1.420(i) was adopted to further the goals underlying Section 307(b) of the Act, i.e., allotment priorities and policies, and that any change in the TV Table of Allotments must be consistent with those goals.

B. KBBL, Inc.'s Proposal.

An allocation of Channel 59 to Yucaipa, California would be mutually exclusive with Channel 59 at Big Bear Lake as currently authorized, since the community of Yucaipa does not meet co-channel separation requirements when compared to the currently authorized site at Big Bear Lake.^{5/} Thus, the first condition to

^{4/} However, a waiver of this prohibition is available in certain circumstances. Id.

^{5/} The reference coordinates for Yucaipa are N 34° 2', W 117° 2'. The coordinates for KBBL's currently authorized facility are 34° 12' 36" N, 116° 51' 00" W.

reallotment is met.^{6/}

The second criterion regarding a preferential arrangement of allotments is also satisfied here. The first television allotment priority, to provide at least one television service to all parts of the United States, is already met here and thus inapplicable, since Big Bear Lake and Yucaipa are within the predicted Grade B contours of the following stations:^{7/}

<u>Station</u>	<u>Channel</u>	<u>Location</u>
KDOC-TV	56	Anaheim
KVVT	64	Barstow
KABC-TV	7	Los Angeles
KCAL	9	Los Angeles
KCBS-TV	2	Los Angeles
KCOP	13	Los Angeles
KNBC-TV	4	Los Angeles
KTLA	5	Los Angeles
KTTV	11	Los Angeles
KAGL	30	San Bernardino-Los Angeles
KRCA	62	Riverside-Los Angeles
KSCI	18	San Bernardino-Los Angeles
KMIR-TV	36	Palm Springs

The second television allotment priority, to provide each community with at least one television broadcast station, is the priority applicable here. Yucaipa has no authorized first local

^{6/} As set forth in the attached engineering statement, there are several multi-user antenna sites in the Yucaipa area from which Petitioner could presumably operate if the channel were reallocated. Operation from these sites would provide both line of sight and city grade coverage to Yucaipa, and would be fully spaced.

^{7/} This information is derived from the 1992 Television and Cable Factbook, Volume 60.

service, and as set forth more fully below, neither does Big Bear Lake. Nevertheless, Petitioner proposes to provide service to both communities in any event, serving Big Bear Lake by applying for and constructing a low power facility, since Petitioner cannot build the currently-authorized station. Frequencies are available for LPTV service at Big Bear Lake. See attached engineering statement. The Commission has already noted that Big Bear Lake could possibly be served in the future by a low power TV station. See 7 FCC Rcd. 2696, ¶4.

The community of Big Bear Lake has 5,341 persons and encompasses 16.2 square kilometers. The community of Yucaipa has 32,824 persons and encompasses 68.7 square kilometers.^{8/} The preferred community for a new local service outlet given Section 307(b) considerations is the appreciably larger community. See e.g., Elijah Broadcasting Corp., 3 FCC Rcd. 5148, 65 RR 2d 461 (Rev. Bd. 1988) (subsequent history omitted). In terms of population, Yucaipa is approximately six times the size of Big Bear Lake.

As to the third criterion, KBBL is only permitted at this time; it is not a licensed, operating station. Accordingly, it does not fall with the prohibition on removal of an existing service representing a community's sole local transmission

^{8/} All population figures are taken from the 1990 Census.

service.^{9/}

Thus, reallocation of Channel 59 to Yucaipa, California satisfies the television allotment policies and meets the factors referenced in the Commission's 1989 Order and 1990 Order.

This petition is not affected by the television "freeze." See Advanced Television Systems and Their Impact on the Existing Television Broadcast Service (Docket 87-268), Mimeo 4074, released July 17, 1987. Although the proposed service is within the minimum co-channel separation distance of a "frozen" area (Los Angeles), as is Big Bear Lake, applications filed now that are mutually exclusive with applications filed before the freeze are exempt from the freeze. The current petition proposes a service mutually exclusive with the authorized station, which was allotted in 1984, well before imposition of the freeze.

Thus, this proposal is not for a "new" allotment, since Petitioner already holds a construction permit for Big Bear Lake. While the petition proposes to "open" an allotment in Yucaipa, it simultaneously and necessarily proposes deletion of an allotment at Big Bear lake. The TV Table of Allotments is proposed to be recast only without changing the overall number of allotments.

^{9/} Petitioner is not under an obligation to provide service to its community for a period of time before it requests a change in community because it has been a permittee for more than one year and did not receive its permit in a comparative hearing. See 1990 Order, 68 RR 2d at 650-51.

Furthermore, Big Bear Lake is located 122.5 km from Los Angeles, a "frozen" area. Yucaipa is 111.6 km from Los Angeles. Thus, Petitioner proposes less than an 11 km change in distance from a frozen area, which Petitioner submits is inappreciable.

Finally, the compelling public interest reasons presented herein would warrant a waiver of such restriction. The freeze order (at ¶2) expressly entertained waiver requests for compelling reasons. If such a waiver is necessary, which Petitioner thinks not, one is nonetheless respectfully requested and Petitioner submits that it is certainly warranted given the facts of the case.

C. Petitioner's Proposal is Consistent With Commission Action in Similar Instances.

Commission action in similar proceedings, as set forth below, is consistent with Petitioner's reallocation proposal.

The Commission recently reallocated a television channel from Ardmore, Oklahoma to Sherman, Texas in Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Ardmore, Oklahoma and Sherman, Texas) (Report and Order), FCC 92-335, released July 28, 1992. In its analysis, the Commission expressed the strong undesirability of removing Ardmore's sole local transmission service merely to provide a first local transmission service to another community. The Commission

reallocated the Ardmore channel nonetheless because disruption of service concerns were minimized due to that petitioner's plan not to move its transmitter site, and thus to continue to provide service to the original community. Here, no such concerns are raised because Big Bear Lake has no first local service, and cannot have a local full service station due to the unique circumstances imposed by geographical and governmental constraints. Additionally, Petitioner proposes to serve Big Bear Lake in any event with LPTV service.

The current situation is much like the circumstances presented in Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sanibel and San Carlos Park, Florida) (Notice of Proposed Rule Making), 7 FCC Rcd. 850 (1992). There, a petitioner proposed reallocation of an FM channel to a larger community which would thereby have a first local transmission service. Petitioner cited the inability after diligent efforts to locate a suitable transmitter site in its specified community of license due to local zoning ordinances, short-spacing problems and environmental constraints (the presence of a bald eagle's nest). As a consequence, the station had never gone on the air. The Commission in that proceeding found it in the public interest to seek comments on the proposal, reaching the tentative conclusion that a waiver of the restriction on removal of a sole existing

local transmission service was warranted in that instance.^{10/} The current Petitioner has faced the same problem of being unable to locate a suitable tower site from which to provide Big Bear Lake with a first local service, and thus proposes to specify a new, larger community as its community of license and to move to a different antenna site.

In Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Farmington and Gallup, New Mexico) (Notice of Proposed Rule Making), 7 FCC Rcd. 2382, 2383 ¶ 6 (1992), the Commission "tentatively conclude[d] that an unbuilt [television] construction permit should not be considered an existing service in the context of change of community rulemakings." Reallocation of Channel 59 from Big Bear Lake would not be removal of an existing service, either. Moreover, in the Farmington proceeding, there was absent any allegation that the station as authorized could not be built. Here, Petitioner is not voluntarily seeking to reallocate Channel 59 from Big Bear Lake; it simply has no choice given the geographical and governmental problems outlined above and the Commission's refusal to allow Big Bear Lake to be served by a booster facility.

^{10/} The current Petitioner believes that a waiver is not required because "existing service" has been defined by the Commission as service provided by an operating station. See 1990 Order, 68 RR 2d at 650 ¶ 19. See also discussion infra. To the extent a waiver is required, however, Petitioner respectfully requests one and submits that such a waiver is in the public interest given the reasons outlined herein.

In Mount Wilson FM Broadcasters, Inc. v. FCC, 884 F.2d 1462 [66 RR 2d 1575] (D.C. Cir. 1989), the Commission allotted an FM frequency which could only be served, without waiving minimum distance separation requirements, from a site located at Camp Pendleton military base in San Clemente, California. The Commission allotted the channel on the mistaken belief that the Marine Corps would permit operation from a transmitter site located on the base. Had it looked as though the base could not be used for a transmitter site, as was the case in 1966 in an earlier proceeding to use that location, the Commission presumably would never have made the allotment. In the instant proceeding, the first permittee for KBBL represented that U.S. Forest Service land could be used for a transmitter site, which later turned out not to be the case. Thus, it is questionable whether the FCC would have made the allotment to Big Bear Lake had this problem been known. Petitioner is precluded from constructing at the only otherwise suitable location, and the Commission will not waive its primary service rules to permit use of a booster facility. Reallotment is the appropriate answer.

III. Conclusion.

Reallocation of Channel 59 from Big Bear lake to Yucaipa, California would be consistent with the Commission's rules, policies and treatment afforded other petitioners in similar proceedings. The years of hardship encountered at the Commission

in trying to make the provision of a first local service to Big Bear Lake a reality militate in support of the public interest and toward grant of Petitioner's request. Moreover, Petitioner proposes to serve both Yucaipa and Big Bear Lake if Channel 59 is reallocated, the latter by applying for and constructing a low power facility.

Wherefore, for the foregoing reasons, Petitioner KBBL, Inc. respectfully requests that the Commission amend the Television Table of Allotments and reallocate UHF Channel 59 from Big Bear Lake, California to Yucaipa, California. Additionally, Petitioner requests that the Commission modify its construction permit to specify Yucaipa, California as its community of license. Petitioner will apply to amend its construction permit for Channel 59 to specify facilities providing the required service to Yucaipa, California, if allotted.

Respectfully submitted,

KBBL, INC.

By:

William M. Barnard / JAK
WILLIAM M. BARNARD

James A. Kline, IV
JAMES A. KLINE, IV
Its Attorneys

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September 14, 1992

**TV STATION KBBL
CHANNEL 59
BIG BEAR LAKE, CALIFORNIA**

STATEMENT OF WILLIAM F. HAMMETT, CONSULTING ENGINEER

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of the permittee of TV Station KBBL, Channel 59, Big Bear Lake, California, to prepare this engineering study regarding the reallocation of Channel 59 to Yucaipa, California.

EXISTING CONDITIONS

TV Station KBBL was granted a construction permit (FCC File No. BPCT-841010KM, extended by BMPCT-920330KO) to construct television transmitting facilities on Channel 59 to serve the city of Big Bear Lake, California, located 122.5 kilometers from the reference coordinates for Los Angeles shown in §76.53 of the FCC Rules. The originally proposed transmitting site on Sugarlump Mountain near Big Bear Lake is located on land administered by the U.S. Forest Service, and the Forest Service has refused permission to construct the KBBL facilities. The permittee has continued to search for suitable transmitting sites that would provide line-of-sight service to Big Bear Lake but, after considerable effort, remains unable to locate such a site.

PROPOSED CONDITIONS

It is proposed, therefore, to reallocate Channel 59 from Big Bear Lake, California, to Yucaipa, California, located 25.7 km to the south. Since the Channel 59 facilities have not yet been built, and since it is unlikely that a suitable Big Bear Lake transmitting site will be located, reallocating Channel 59 from Big Bear Lake to Yucaipa would not deprive Big Bear Lake of any service it is now receiving.

Based on the reference coordinates listed in §76.53 of the FCC Rules and in the Atlas of the United States, the incorporated city of Yucaipa is located 111.6 kilometers from Los Angeles. Despite its population of 32,824 persons (1990 U.S. Census), Yucaipa has no local full-service or low-power television stations presently allotted to it. Reallocating Channel 59 to Yucaipa would permit significantly more people to receive first local service, since the 1990 population of Big Bear Lake is 5,341 persons. It should be feasible to serve the city of Big Bear Lake itself by a low power TV or TV translator station; while a full allocation study has not been undertaken, an inspection of the FCC allocation database indicates that at least two UHF channels may be available for that service.

In addition, it is noted that the presence of several multi-user transmitting sites near Yucaipa indicates that the permittee should have no difficulty locating a suitable site where the Channel 59 facilities could be constructed. All of these would provide line-of-sight coverage into Yucaipa.

TV STATION KBBL
CHANNEL 59

PRECLUSION STUDY

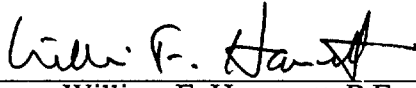
A complete spacing study has been performed for the proposed reallocation of Channel 59, and all the distance separation requirements of §73.610 of the FCC Rules are met for an allotment to Yucaipa, including the requirements to protect allotments notified by the Mexican government under the U.S./Mexican Television (UHF) Agreement of 1958. The distances to the nearest assignment on each of the pertinent channels are shown on the attached Figure 1. By meeting all distance separation requirements, the proposed change of 25.7 kilometers in the allotment of Channel 59 would not preclude the subsequent assignment by the FCC of new TV channels.

LIST OF FIGURES

In carrying out these engineering studies, the following attached figure was prepared under my direct supervision:

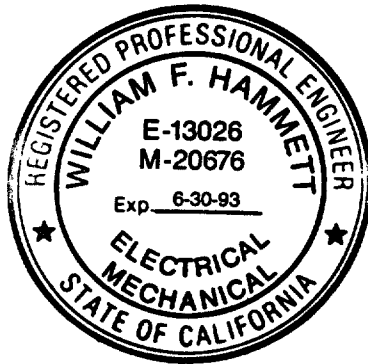
1. Tabulation of distance separation requirements for Yucaipa allotment.

HAMMETT & EDISON, INC.
Consulting Engineers



William F. Hammett, P.E.

September 11, 1992

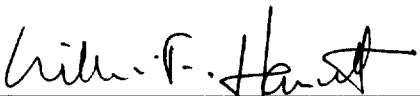


AFFIDAVIT

State of California)
) ss:
County of San Mateo)


William F. Hammett, being first duly sworn upon oath, deposes and says:


1. That he is a qualified Registered Professional Engineer, holds California Registrations Nos. E-013026 and M-020676, which expire on June 30, 1993, and is a principal in the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated from Dartmouth College with a degree in Engineering Sciences in 1977 and from the University of Illinois with a degree of Master of Science in 1978, has completed two years of employment by the Standard Oil Company and five years by Dean Witter Reynolds in various engineering, computer, and management capacities, and has been associated with the firm of Hammett & Edison, Inc., since 1985,
3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of the permittee of TV Station KBBL, Channel 59, Big Bear Lake, California, to prepare this engineering study regarding the reallocation of Channel 59 to Yucaipa, California,
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief, and as to such statements, he believes them to be true.



William F. Hammett, P.E.

Subscribed and sworn to before me this 11th day of September, 1992





**TV STATION KBBL
CHANNEL 59**

**PRECLUSIONARY STUDY
FOR REALLOTMENT TO
YUCAIPA, CALIFORNIA**

<u>Channel</u>	<u>Nearest Allotment, Permit, or Assignment</u>	<u>Distance* from Yucaipa</u>	<u>Distance Required†</u>
44	KRPA, Rancho Palos Verdes, CA	145.6 km	119.9 km
45	Vacant, Tijuana, Mexico	166.7	95.7
51	KUSI-TV, San Diego, CA	148.4	31.4
52	KVEA, Corona, CA	97.3	95.7
54	Permit, Avalon, CA	143.8	31.4
55	Vacant, Santa Barbara, CA	249.3	31.4
56	KDOC, Anaheim, CA	63.9	31.4
57	Vacant, Tijuana, Mexico	166.7	31.4
58	KLCS, Los Angeles, CA	97.3	87.7
59	Vacant, Santo Tomas, Mexico	286.5	280.8
59	Vacant, Fresno, CA	389.9	280.8
60	Land Mobile, Los Angeles	111.5	87.7
61	Vacant, Sausal, Mexico	239.1	31.4
62	KRCA, Riverside, CA	63.7	31.4
63	KADY-TV, Oxnard, CA	186.4	31.4
64	KHIZ, Barstow, CA	68.0	31.4
66	Land Mobile, Los Angeles, CA	111.5	95.7
67	Vacant, Tecate, Mexico	166.1	31.4
73	Vacant, Tecate, Mexico	166.1	95.7
74	Vacant, Edmonton, Canada	2188	119.9

Note: All distance separation requirements are met.

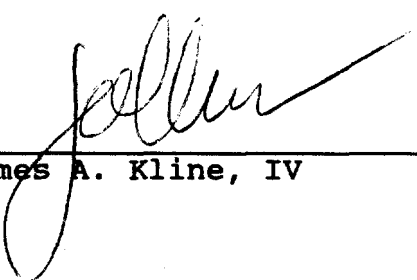
* Based on reference coordinates from the Atlas of the U.S. for the city of Yucaipa, N 34° 02.0' W 117° 02.0'.

† As specified in the FCC Rules §73.610 and the U.S./Mexican Television (UHF) Agreement of 1958.

CERTIFICATE OF SERVICE

I, James A. Kline, IV, an attorney with the law firm of McFadden, Evans & Sill, do hereby certify that on this 14th day of September, 1992, a true and correct copy of the foregoing document was mailed by First Class U.S. Mail, postage prepaid, to the following:

David Silberman, Esquire
Office of the General Counsel
Federal Communications Commission
1919 M Street, N.W., Room 614
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